

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**COMMODITY FUTURES
TRADING COMMISSION,**

Plaintiff,

v.

**MONEX DEPOSIT COMPANY, MONEX
CREDIT COMPANY, NEWPORT
SERVICES CORPORATION, LOUIS
CARABINI, and MICHAEL CARABINI,**

Defendants.

Hon. _____

Case No. 1:17-cv-06416

PLAINTIFF'S MOTION FOR LEAVE TO FILE
A BRIEF IN EXCESS OF THE PAGE LIMIT

Plaintiff Commodity Futures Trading Commission ("CFTC" or "Commission"), pursuant to Local Rule 7.1, requests that this Court grant it leave to file a Memorandum in Support of Plaintiff's Motion for a Preliminary Injunction (the "PI Motion") in excess of the 15-page limit. In support of this motion, the CFTC states as follows:

1. On September 6, 2017, the Commission filed a Complaint for Injunctive and Other Equitable Relief and Penalties under the Commodity Exchange Act ("Complaint") against Defendants Monex Deposit Company, Monex Credit Company, Newport Services Corporation, Louis Carabini, and Michael Carabini (collectively, "Defendants"). The Complaint alleges that Defendants violated core anti-fraud and other provisions of the Commodity Exchange Act ("Act"), 7 U.S.C. §§ 1 *et seq.* (2012).

2. The CFTC also filed the PI Motion, which seeks preliminary injunctive relief against the corporate Defendants to prohibit them from continuing to operate their illegal

unregistered commodity trading platform, and to prohibit them from continuing to engage in their nationwide multi-million dollar fraud scheme. The PI Motion also seeks the appointment of an independent monitor to assume control over portions of Defendants' business, an asset freeze or imposition of a bond in the approximate amount of customer losses, and other relief to preserve the *status quo* during the pendency of the litigation.

3. Despite diligent efforts, the Commission was not able to adequately provide this Court with necessary background information regarding the underlying violations of the Act and Commission Regulations alleged in the Complaint and basis for the requested preliminary injunctive relief within the 15-page limit. In particular, the Commission's memorandum in support of the PI Motion discusses Defendants' business operations and pervasive fraud scheme over a five-year period, and the basis for their liability for the counts alleged in the Complaint. The factual and legal discussion in the CFTC's memorandum required additional space for this explication.

4. Accordingly, the Commission respectfully requests that this Court grant it leave to file a 34-page Memorandum in Support of the PI Motion.

WHEREFORE, for the reasons set forth above, the Commission respectfully requests that this Court grant it leave to file the attached 34-page Memorandum in Support of the Commission's Motion for a Preliminary Injunction.

Date: September 6, 2017

Respectfully submitted,

/s Carlin R. Metzger

Carlin R. Metzger (cmetzger@cftc.gov)
Senior Trial Attorney

Michael D. Frisch (mfrisch@cftc.gov)
Trial Attorney

Eric L. Schleef (eschleef@cftc.gov)
Trial Attorney

Joseph Konizeski (jkonizeski@cftc.gov)
Chief Trial Attorney

Commodity Futures Trading Commission
525 West Monroe Street, Suite 1100
Chicago, Illinois 60661
(312) 596-0536 (Metzger)
(312) 596-0700 (main office number)
(312) 596-0714 (facsimile)

Attorneys for Plaintiff
Commodity Futures Trading Commission